

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

RANDY COOPER,

Plaintiff,

v.

CIVIL ACTION NO. 5:05-0103

THOMAS McBRIDE, *et al.*,

Defendants.

MEMORANDUM OPINION AND ORDER


This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Court deny Plaintiff's Application to Proceed Without Prepayment of Fees and dismiss this case with prejudice from the docket of the Court. Plaintiff objects.

In the Findings and Recommendation, the Magistrate Judge did an excellent job outlining the 32 actions Plaintiff has filed in this Court from September of 1999 to the present. All of these actions have been dismissed except for the current action and an action filed on March 1, 2005. Many of these actions were dismissed as frivolous. As a result, Plaintiff was enjoined from filing further actions unless he can show that he is in imminent danger of serious bodily injury. Upon de novo review, the Court agrees that Plaintiff has failed to make such a showing in this action. Accordingly, the Court **ADOPTS** the Findings and Recommendation of the Magistrate

Judge, **DENIES** Plaintiff's Application to Proceed Without Prepayment of Fees, and **DISMISSES** this case **with prejudice** from the docket of the Court.

The Court **DIRECTS** the Clerk to send a certified copy of this written Opinion and Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented parties.

ENTER: August 29, 2005



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE